

# CITY OF TEMECULA ENVIRONMENTAL REVIEW PROCEDURES HANDBOOK

## Private Development Projects



# **CITY OF TEMECULA**

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### **Private Development Projects**

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# **CHAPTER 1**

## **Introduction**

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The City of Temecula Environmental Review Handbook has been developed to outline policies and procedures for private development project environmental review within the City of Temecula and to provide an overview of the environmental review process for City staff, project applicants and consultants. The handbook contains provisions for the implementation and administration of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA) and related technical studies.

### **1.1 Purpose of Handbook**

The handbook is organized into three (3) separate chapters, including: 1) Introduction / Overview, 2) CEQA Review Procedures and 3) Environmental Consultant Hiring Process. In addition, an appendix is included to provide a visual representation of the CEQA process. This Environmental Review Procedures Handbook has been approved by City Council resolution and any future revisions will be approved administratively by the Director of Planning in consultation with the Public Works and Community Services Departments.

### **1.2 Environmental Review Requirements**

#### **State of California Requirements**

The California Environmental Quality Act (CEQA) was enacted in 1970 as a system of checks and balances for discretionary land-use development and management decisions in California. Environmental review is characterized by an Initial Study process which results in one of three possible types of CEQA documents: an Exemption, Negative Declaration (ND)/Mitigated Negative Declaration (MND), or Environmental Impact Report (EIR). In cases where the discretionary action is not exempt from CEQA and the Initial Study concludes that the discretionary action could have a potentially significant effect on the environment (where mitigation could not reduce the impacts to below a level of significance), an EIR is required to be prepared to analyze the potential environmental effects.

The City of Temecula in its statutory role as lead agency for both publicly and privately initiated projects is responsible for complying with a variety of state and federal laws pertaining to the protection of the environment. In addition, the City of Temecula in its other role as responsible agency is mandated to provide input to environmental documentation prepared by other agencies that could have an adverse effect on the City's residents and/or environment. The primary

environmental compliance law that the City must comply with is the California Environmental Quality Act (CEQA). CEQA is promulgated in the California Public Resources Code, Division 13, Sections 21000 *et seq.* and the California Code of Regulations, Title 14, Chapter 3, Sections 15000 *et seq.* Online CEQA guidance (statute, guidelines and CEQA case information) is available at [www.ceres.ca.gov/ceqa](http://www.ceres.ca.gov/ceqa).

## **Federal Requirements**

Federal agencies have environmental compliance and permit authority over certain activities (including federal funding of local projects) on federal, state and local lands and over certain resources which have been the subject of congressional legislation: (*i.e.*, air and water quality, wildlife, and navigable waters). The National Environmental Policy Act (NEPA) was enacted by Congress in 1969 and all federal actions must comply with the provisions of NEPA (42 U.S.C 4321, *et seq.*) Federal actions include a variety of discretionary permits and funding. The U.S. Environmental Protection Agency generally oversees the federal agencies environmental review process and requirements, although each federal agency has developed customized guidelines for the implementation of NEPA. The responsibility for implementing some federal regulatory programs, such as those for air and water quality and toxics management, has been delegated to specific state agencies. In certain instances, local agencies are charged with federal environmental compliance requirements, usually associated with federal agency funding of a local public facility or related to a federal agency regulatory permit requirement. Typical examples of these kinds of projects include Federal Highway Administration (FHWA) funding of state or local highway improvements, projects which require dredge or fill into waters of the United States, and projects which may affect a federally listed endangered species.

## **City of Temecula Requirements**

The City of Temecula General Plan states:

*The California Environmental Quality Act (CEQA) was adopted by the State legislature in response to a public mandate for more thorough environmental analysis of projects that might affect the environment. Provisions of the law and environmental review procedures are described in the CEQA Statutes and CEQA Guidelines. Implementation of CEQA ensures that during the decision making stage of development, City officials and the general public will be able to assess the environmental impacts associated with private and public development projects.*

The City of Temecula General Plan Land Use, Circulation, Housing, Open Space/Conservation, Growth Management/Public Facilities, Public Safety, Noise, Air Quality, Community Design and Economic Development Elements outline citywide goals, objectives and policies that establish the physical and environmental blueprint for the City and form the basis for evaluation of specific projects in a CEQA document.

The City of Temecula Municipal Code contains specific local requirements for a variety of land uses that may be regulated through local land use permit requirements. In addition, the Old Town Specific Plan contains a listing of historic resources and outlines a procedure for making findings of historic significance.

The City of Temecula is a signatory to the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP), which has been prepared to conserve over 150,000 acres of sensitive habitat within southwestern Riverside County, including incorporated cities. The MSHCP was designed to streamline project review by minimizing federal and state resource agency permitting requirements for projects that are not located in sensitive biological resources areas (criteria cells) identified as containing sensitive habitat or species. All City of Temecula discretionary projects must demonstrate conformance with the MSHCP and the CEQA document must include this analysis.



# CHAPTER 2

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## CEQA Review Procedures

The City of Temecula has developed citywide environmental review procedures to ensure that all City departments comply with local, state and federal environmental review requirements in a consistent and adequate manner. The protection of the environment is of the utmost importance to the City and its residents and shall be considered in every land use and development project decision, as promulgated by the City's General Plan and Municipal Code.

### 2.1 City Department CEQA Review Procedures

The City of Temecula acts as: 1) Lead Agency for privately initiated projects, 2) Applicant / Lead agency for City sponsored projects, and 3) Responsible Agency for projects initiated by other agencies that could have an effect on the City's residents or environment. The City, in its role as lead and/or responsible agency, is mandated to ensure that CEQA is adequately complied with for all City discretionary actions, projects that are carried out within the City, and projects that may directly or indirectly affect the City. The following City departments are involved in the CEQA process for private development projects:

1. **Planning Department** – The Planning Department is the lead department for environmental review, responsible for ensuring that private development applications comply with CEQA/NEPA, as required (NEPA compliance is only required when a project has a federal nexus, including federal funding or federal permitting mandates.) The Planning Department is responsible for coordinating environmental review and document preparation.
2. **Public Works Department** – The Public Works Department is responsible for ensuring that private development applications are in conformance with Public Works and Capital Improvement Project requirements. For the CEQA process, the Public Works staff assists the Planning Department in the review of environmental technical studies to ensure technical accuracy and consistency with City standards.
3. **Community Services Department** – The Community Services Department is responsible for ensuring that private development projects comply with city parks & recreation facilities and other community facility requirements.



## **2.2 Private Development Projects**

### **Application Submittal Requirements**

The Planning Department is responsible for the initial intake and processing of applications for privately initiated development projects within the City of Temecula. Applications for private development projects can include residential, commercial, industrial, mixed use, recreational, institutional and other land uses. Applicants are required to submit a completed development application and associated project materials, including any applicable project related information to the Planning Department, along with required fees and deposits to initiate project review.

### **Project Technical Studies**

Applicants are discouraged from preparing or submitting technical studies for their projects prior to consulting with City staff, as the City will determine the type and extent of studies required for the project related environmental documentation. If technical studies are prepared and submitted with application materials, the studies will be peer reviewed by the City to determine if they can be utilized in the CEQA process. The City has the right to reject applicant submitted technical studies and require that they be completed by a City-selected CEQA consultant, if necessary. For complex projects it is recommended that applicants meet with the Planning Department staff prior to project application submittal to ensure that all submittal requirements are understood to avoid delays associated with incomplete case filings.

### **Review for Exemption**

During the initial review of project application materials, the Planning Department will review the project application to determine whether the project is eligible for an exemption under the CEQA Guidelines. Certain classes and types of projects have been determined to be exempt from CEQA under normal circumstances. If a project is determined to be exempt, then a Notice of Determination / Notice of Exemption is filed with the County Clerk within five (5) days following project approval and no further CEQA documentation is required. The City is responsible for all required CEQA notices, while the applicant is responsible for any required filing fees.

### **Initial Study / CEQA Document Determination**

Once the City determines that the project is not exempt from CEQA, an Initial Study will be prepared, pursuant to CEQA Guidelines, to assist in determining the appropriate CEQA document for the project. The City may request that the applicant provide technical studies prior to completion of the Initial Study to assist with determining the appropriate CEQA documentation. The applicant will be notified of the deposits required to fund the technical studies, which will be prepared by a City-hired consultant. Planning Department staff will complete the Initial Study following the determination that the application is accepted for filing and that all materials that will assist the City with Initial Study preparation have been submitted. The Initial Study checklist must be completely filled out with adequate supporting information

provided to determine if any potentially significant impact could result from implementation of the proposed project and if any project design features or mitigation measures are available to reduce the potential project impacts to less than significant levels. The Initial Study will consider all available information, including applicant submitted information during preparation of the checklist and final determination. The Initial Study is the basis for all project related CEQA documentation requirements and determines whether the appropriate CEQA document will be a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report.

The Planning Department will complete the Initial Study checklist and based on the supporting analysis determine that either: 1) the project could not have a significant effect on the environment and a Negative Declaration (ND) will be prepared, 2) the project may have a significant effect on the environment and mitigation measures have been identified to reduce the impacts to less than significant levels and a Mitigated Negative Declaration (MND) will be prepared, or 3) the project may have a significant effect on the environment and an Environmental Impact Report (EIR) is required. The applicant will be notified of the decision to prepare a CEQA document. If the Initial Study determines that an EIR is required, the City will issue a Request for Proposal (RFP) for preparation of the EIR, pursuant to the requirements contained in Chapter 3.

## **Coordination with City Departments**

The Planning Department will coordinate with the Public Works Department and TCSD as required for projects that may affect a City of Temecula public facility or may require specialized technical input (traffic, hydrology, geotechnical, etc.).

## **MSHCP Conformance**

Riverside County adopted the Western Riverside County Multi-Species Habitat Conservation Plan (MSHCP) on June 17, 2003. The City of Temecula is a signatory to the MSHCP, and therefore development projects conducted within the city are required to comply with the MSHCP. Section 6.0 of the MSHCP identifies the local implementation measures, including city and county obligations. The first step of MSHCP review is to determine whether the project site is located within a criteria cell and/or is subject to special studies analysis. This information can be found on the Riverside County Integrated Plan (RCIP) conservation summary report generator website at [www.wrc-rca.org](http://www.wrc-rca.org).

For all discretionary projects, the city must make a consistency determination in accordance with Section 4.0 of the MSHCP. A project located outside of a criteria area does not mean that MSHCP compliance is not necessary. All discretionary projects are subject to the Riparian/Riverine, Vernal Pool and Fairy Shrimp policies (refer to Sections 6.1.1 – 6.1.4, 6.3.1, and 6.4 of the MSHCP). If a project is located within an identified species survey area, then a habitat suitability assessment must be conducted. This biological report must make a clear determination as to whether or not suitable habitat is present. If a project is located within a

criteria cell, it must comply with the Reserve Assembly requirements. Once the city reviews the MSHCP biological report and has made the MSHCP consistency determinations, planning staff will send the consistency determination letter with supporting technical studies to the Western Riverside County Regional Conservation Authority (RCA). If a project is located within a criteria cell, a Joint Project Review (JPR) application will also be required. If the JPR determines that a project is located within an area identified for conservation, the city will be asked to revise the project to accommodate the conservation or proceed to the Habitat Acquisition and Negotiation Strategy (HANS) process.

### **Negative Declaration / Mitigated Negative Declaration**

Should the Initial Study (including required technical studies) determine that the proposed project would result in no unavoidable adverse significant affects, the Planning Department will prepare a Negative Declaration (ND) or Mitigated Negative Declaration (MND), along with all applicable notices, postings and fees. Within 45 days of determining that a Negative Declaration is required, City staff will complete the required Notice of Intent to Adopt the Negative Declaration or Mitigated Negative Declaration. Negative Declarations require a minimum 20 or 30 day public review period, depending on the project scope as provided in the CEQA Guidelines. Negative Declarations must be completed within 180 days of an application being deemed complete. The City is responsible for all required CEQA notices, while the applicant is responsible for any required filing fees.

### **Environmental Impact Report**

If the Initial Study determines that the project could result in a potentially significant effect on the environment, an Environmental Impact Report (EIR) will be prepared for the project, and the Planning Department will select a consultant to prepare the EIR. (See Chapter 3 of this document). Once the Consultant is selected, the City will prepare the Notice of Preparation for the EIR and circulate it to applicable responsible and trustee agencies, as well as interested members of the public. Planning Department staff will be responsible for managing the EIR consultant, including serving as direct liaison between the applicant and the consultant. The City is responsible for all required CEQA notices, while the applicant is responsible for any required filing fees.

### **Mitigation Monitoring & Reporting Program**

Mitigation Monitoring Programs must be adopted by the final decision making body for all Mitigated Negative Declarations and EIRs to ensure that identified mitigation measures are implemented as required. Pursuant to Section 21081.6 of the Public Resources Code and the CEQA Guidelines Section 15097, a public agency is required to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to a proposed development. As stated in Section 21000 the Public Resources Code:

*“...the public agency shall adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.”*

CEQA provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined prior to final project approval. The public agency may delegate reporting or monitoring responsibilities to another public agency or a private entity which accepts delegations. The lead agency, however, remains responsible for ensuring that implementation of the mitigation measures occur in accordance with the program.

The applicant will have the responsibility for implementing the mitigation measures, and the various City of Temecula departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.



## **CHAPTER 3**

# **Environmental Consultant Hiring Process**

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The City of Temecula hires environmental consultants to prepare CEQA-related technical studies and Environmental Impact Reports (EIR) for private development projects where the Initial Study determines that potentially significant impacts could result with implementation of the proposed project. The following procedures summarize the consultant hiring process for EIRs and technical studies.

### **3.1 Private Development Projects**

Applicants are discouraged from preparing or submitting technical studies for the project prior to consulting with City staff as the City will determine the type and extent of studies required for the project related environmental documentation. The environmental consultant will be directly contracted with the City of Temecula and all environmental consultant interaction with the applicant and the applicant's team will be managed by the City. The City may hire an environmental consultant to assist with preparation of Mitigated Negative Declarations for projects that require specific technical studies or are more complex than a typical project requiring a Negative Declaration, as well as for the preparation of an EIR.

### **3.2 Qualified Consultant Lists**

The Planning Department maintains qualified Environmental Consultant lists which are established through a Request for Qualifications (RFQ) process that is initiated every other year. The Planning Department prepares and distributes a RFQ to consultants interested in providing CEQA services to the City of Temecula. The RFQ will be made available to the general consulting community and will be available via the City's web site. The City will review all submitted Statement of Qualifications and determine if the consultant meets the City's minimum qualification requirements, including but not limited to project understanding, technical expertise, related project experience, team qualifications and competitive budget. The list of qualified consultants shall be updated every two years (January 2009, 2011, etc.) to ensure that the City receives the highest caliber consulting services. Placement on the City's qualified CEQA consultant list does not guarantee any specific CEQA work.

### **3.3 RFP Process**

When the Planning Department determines that an EIR, MND, or technical study is required for a private development project, the City will select a limited number of environmental consultants from the qualified consultant list to receive a Request for Proposal (RFP). RFP's will be mailed to a select number of consultants as determined by either a rotating list or a grouping of consultants determined to be highly qualified for a particular type of project. The RFP will clearly spell out the project description and the requested environmental consulting services required for the proposed project and will specify a due date and the required number of copies of the proposal to be submitted to the City. The RFP may also include other requirements as determined by the City. In addition, the RFP will clearly spell out the selection criteria and any criterion weight. Consultants may be disqualified from final selection, if the City determines that any conflict of interest exists.

### **3.4 Consultant Selection**

The City of Temecula will review all proposals submitted for a project CEQA document and make a determination of the most qualified proposal that meets the needs of the City. The City may elect to form a committee to review all submitted proposals and may conduct interviews of the most qualified consultants to assist in the final consultant selection. The successful consultant will be notified upon selection and will enter into contract negotiations with the City. All consultant contracts must be approved by the appropriate City authority in accordance with current city purchasing procedures.

### **3.5 Project Initiation/Applicant Deposits**

For private development projects, the City shall collect the total amount of the contract plus a City administrative fee for processing the environmental documents from the applicant. The environmental consultant will be given notice to proceed when the funds have been received from the applicant. City staff will provide updates to the project applicant regarding project budget/available funds.

## **APPENDIX A**

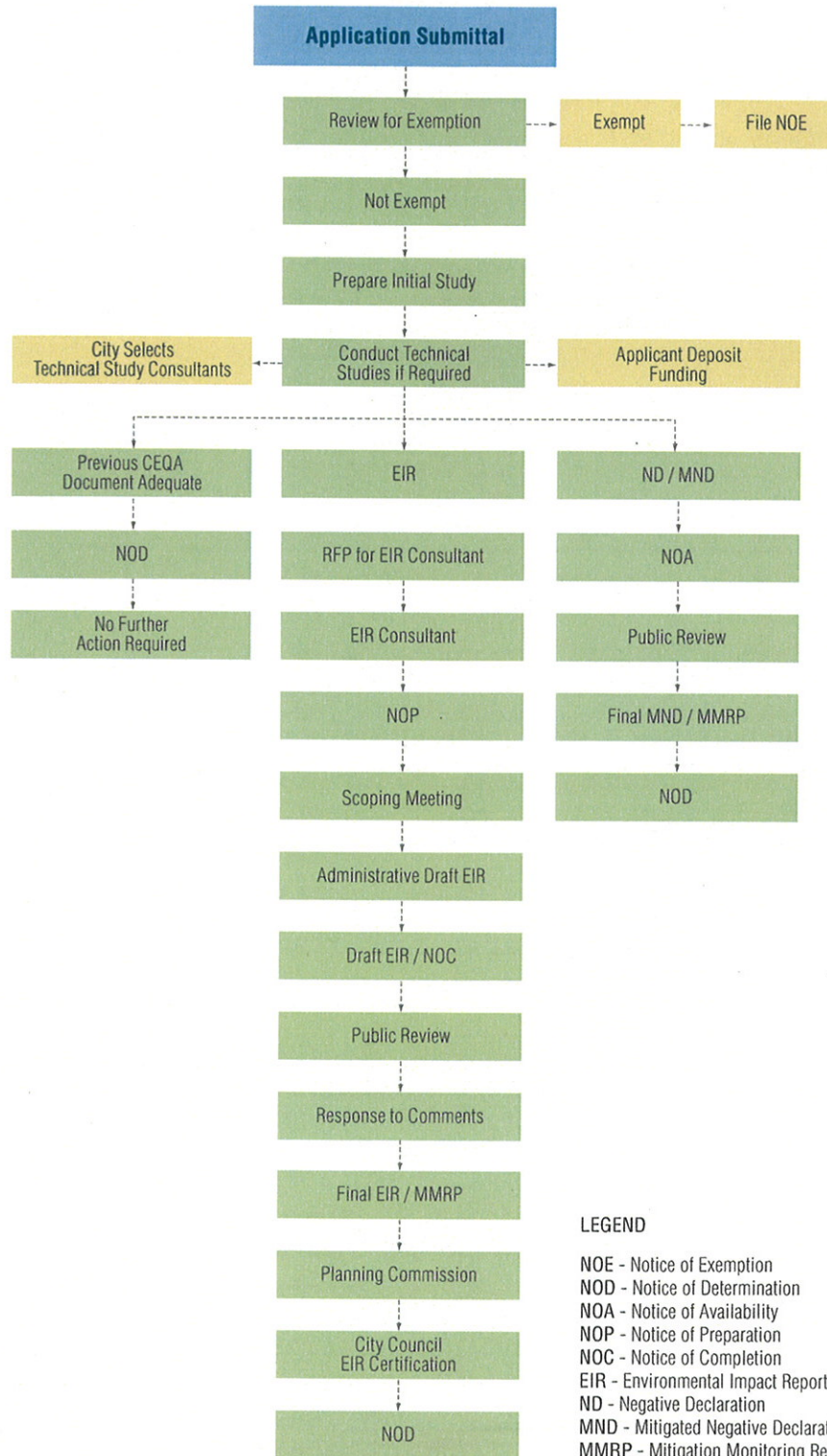
### **Environmental Review Process Flowchart**

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# City of Temecula Environmental Review Process

## PRIVATE DEVELOPMENT PROJECTS



### LEGEND

NOE - Notice of Exemption  
 NOD - Notice of Determination  
 NOA - Notice of Availability  
 NOP - Notice of Preparation  
 NOC - Notice of Completion  
 EIR - Environmental Impact Report  
 ND - Negative Declaration  
 MND - Mitigated Negative Declaration  
 MMRP - Mitigation Monitoring Reporting Program